

REMARKS

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action with a notification date of September 1, 2009. Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 are pending in the Application, and the non-final Office Action includes the following:

- 1) Claims 1, 2, 15, and 19 appear to have been amended without showing all of the changes made relative to the previous version as required by 37 CFR §1.121(c)(2).
- 2) Claims 8 and 26 are objected to for informalities.
- 3) Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 4) Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Macaulay (U.S. Pat. Publ. No. 20030135762) in view of Hrastar (U.S. Pat. No. 7,042,852).

In response to these rejections, Claims 1, 4, 19, 20, and 26 have been amended to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

Claims 1, 2, 15, and 19

Claims 1, 2, 15, and 19 appear to have been amended without showing all of the changes made relative to the previous version as required by 37 CFR §1.121(c)(2). Applicant agrees with Examiner that each of these Claims were unintentionally amended through error, and appreciates Examiner reviewing the response in light of this oversight. Applicant is reinstating the previous claim language without markings.

Claims 8 and 26

Claims 8 and 26 are objected to for informalities. Claims 8 and 26 have been amended to recite “second WEP flag value” thus Applicant respectfully requests withdrawal of this objection.

Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 - §112 Rejection

Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 19 have been amended to list the “maintaining a state transition history for each of said mobile units on said computer” as a method step thereby clarifying this is a limitation is an additional method step.

Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 - §103(a) Rejection

Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Macaulay (U.S. Pat. Publ. No. 20030135762) in view of Hrastar (U.S. Pat. No. 7,042,852).

With respect to independent Claims 1 and 19, each of these Claims has been amended to recite an additional limitation that the state information includes at least “a MAC address parameter, an authentication status parameter, a portion of a last used Initialization Vector, and a further parameter unrelated to the MAC address parameter and the authentication status parameter.” Neither Macaulay nor Hrastar teach or fairly suggest storing a portion of the last used IV in the mobile unit state information. As disclosed by Applicant, this value of the IV may be used to prevent a hacker from reusing a previous IV.

With respect to dependent Claims 4, 9, 20 and 27, Claims 4 and 20 have been amended to recite an additional limitation of “wherein said comparing of format comprises comparing format of said header message portion to said protocol-specified format to detect

inconsistencies in the Protocol Version field.” Neither Macaulay nor Hrastar teach or fairly suggest detecting inconsistencies in the Protocol Version field. Examiner is citing, in Claims 9 and 27, Macaulay at paragraph [0083] for disclosing Protocol Version. However, Macaulay is merely teaching a GUI capable of displaying SSID, Name, Channels, and security framework. Macaulay fails to teach or fairly suggest detecting inconsistencies in the Protocol Version as claimed by Applicant in each of these dependent Claims.

With respect to dependent Claims 8 and 26, Examiner is relying on Macaulay at paragraph [0104] to read on the limitation of “wherein said packets have a first WEP flag value which is inconsistent with a second WEP flag value stored in said state table on said computer.” Applicant respectfully disagrees. Here, Macaulay is teaching the WIT looking for devices attempting to join the network with the correct WEP key but without knowing network configuration information. Macaulay is not looking at previous state information about a mobile device to determine inconsistencies in the WEP flag. Applicant, on the other hand, is looking up previous values in the state table and checking this with current values to detect an inconsistency in the WEP flag. For example, an intrusion may be detected where the WEP flag of the Frame Control field is not set for a WEP session (but previously the device did have a WEP session), or where the WEP flag is set in a non-WEP session (but previously the device did not use WEP). Macaulay merely teaches a device having the correct WEP key but not having the proper network configuration.

Thus, Applicant respectfully submits the rejection of Claims 1, 2, 4-17, 19-23, 25-35, 40, and 41 under 35 U.S.C. §103(a) as being unpatentable over Macaulay (U.S. Pat. Publ. No. 20030135762) in view of Hrastar (U.S. Pat. No. 7,042,852) has been traversed, and Applicant respectfully requests withdrawal.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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